Remarks of Mr. Ely Moore, of New York

REMARKS OF MR. ELY MOORE, OF NEW YORK, In the House of Representatives, February 4, 1839, *On presenting a remonstrance from citizens of the District of Columbia against the reception of abolition petitions, &c.*

Mr. Speaker: I present to the House a remonstrance, signed by some several hundred citizens of this District, against the reception of petitions from citizens of the States, praying for the abolition of slavery in the District of Columbia. The memorialists represent that they regard Congress as the local Legislature of this District, standing in the same relation to the citizens of the District that a State Legislature does to the citizens of a State; and that they claim the right to advise or instruct the Congress, as their local Legislature, on all subjects relating *exclusively* to the local interests and municipal institutions of the District. And further—that they regard the interference of persons residing without the limits of the District, by petition or otherwise, as *intrusive* and *unwarrantable;* and claim the paternal protection of Congress against such interference with their rights and interests. I concur with the views of the memorialists, and shall proceed to vindicate them to the best of my abilities.

I believe, Mr. Speaker, I am justified in the declaration that since I have had the honor of a seat in this body, at least one-third of our time has been unnecessarily wasted, or mischievously employed, I will not undertake to say which, in debating petitions, resolutions, &c. &c., touching the abolition of slavery in the District of Columbia. In other words, if I am correct in the views which I would beg leave to submit to the consideration of the House before I take my seat, we have, for the last four sessions of Congress, consumed a large portion of our time in discussing a subject over which the Federal Legislature, in their *federal capacity,* have no jurisdiction. If this be so, is it not time that we pause; nay, is it not high time that we so change our course of action on this exciting and vexatious subject, as to reject, outright, all petitions and memorials praying for the abolition

of slavery in the District of Columbia? It is well known to the members of this House that all attempts to suppress discussion on this subject have proved utterly abortive. And so long as we continue to receive petitions from citizens of the States on the subject of slavery, so long will our time, as heretofore, be occupied in agitating this question. Nay, it must be apparent to all, now that abolitionism has assumed a political character, that this perplexing subject will become, from year to year, more and 2 more embarrassing to the Federal Legislature, unless there shall be found sufficient firmness in a majority of its members to shut down the gate at once upon all petitions of an abolition character. And, sir, permit me to say, that I am not altogether confident the American people do not attach undue importance to the "right of petition," when understood in a broad and political sense—in that sense, I mean, in which it has ever been regarded in England. When I hear gentlemen on this floor declaim with so much warmth and energy on what they are pleased to call the " *blessed, sacred,* and *inestimable right of the people to assemble* and to *petition* for redress of grievances," I am sometimes inclined to believe that their zeal is not exactly according to knowledge, and that they have not duly considered the character and genius of our free institutions.

It is true, and to my mind it is as strange as it is true, that the Congress of 1789 deemed proper to propose an amendment to the constitution, recognising "the right of the people Peaceably to assemble and petition the Government for a redress of grievances." The statesmen of that day, as well as those of the present, were too much in the habit of looking to England, not only for precedents, but for political principles and practices. And from that source did they derive their ideas concerning the sanctity and importance of the right of the people to *assemble* and petition their Government. That the right of petition has ever been held dear and sacred by the oppressed and down trodden subjects of Great Britain, is not to be marvelled at. Nothing could be more natural than that a people, whose political franchises had been wrenched from them by the iron hand of despotic power, should esteem it a boon to be *graciously* permitted to *assemble,* and make known their wrongs, and to petition, to supplicate for redress. It was the only avenue to the throne

which tyranny had left them; the only mode to obtain, or rather to solicit, redress, which the sovereign had vouchsafed to them. The grievances complained of by British subjects —I speak particularly in reference to by-gone times—were mostly general in their effects, and political in their character, and originated with the Government. And the only general or political remedy, if remedy it could be called, which the subjects were permitted to apply, was to *assemble* and petition the Crown relative thereto. Hence, ever associated with the " *right of petition* " is the *idea* of *an expression of the public sentiment,* or of the public will. But with what propriety this identical idea has been transferred to the American constitution, I confess I am at a loss to determine.

In England, especially in the reign of King John, of "Magna Charta" memory, and of the first three Henrys, the people loudly and earnestly clamored for the right of petition, because their voice could only reach the throne through the medium of supplication—of petition. It was the omnipotency 3 of the prince on the one hand, and the impotency of the subject on the other. Under such circumstances, it was not only natural but politic for the *subject* to address the *sovereign* in the abject language of supplication—of petition. But, sir, does it become American freemen, the *sovereign people—in whom all power resides* —to approach their representatives—their agents—their servants—the creatures of their own making—with the abject, servile language of petition, prayer, supplication? No, sir, No! Thank God! it is the peculiar province, the proud privilege of the American people, to speak to those in power, on all subjects of *general political moment,* in the potent and authoritative language of *instruction* —of *dictation.* And who will affirm that the right to *instruct,* to *dictate,* does not *supersede* the poor privilege to *petition?* What, sir; shall it be deemed a *privilege* for the *creator* to supplicate the *creature?* The *master* to petition the *servant?* Why, sir, this would be inverting the order of things with a witness. I hold that it is not befitting the American people to address the language of prayer—of petition—of supplication—to any power save to that of Almighty power. When freemen pray, let them supplicate the only power superior to their own—the God of the Universe!

But, sir, it is not my intention to dwell longer, at this time, on this subject. On some future day I may enter fully into a discussion of this question. It shall now be my object to prove—admitting the right of petition, as I now do, in all its length and breadth—that the citizens of the States have no right to petition Congress to abolish slavery in the District of Columbia. Let no man charge me with a desire to strangle the right of petition in order to make out my case. I hold that I am not obnoxious to the charge. I am the last man that would attempt, by word or deed, directly or indirectly, to embarrass or abridge the *legitimate exercise* of any valuable right. Nor, sir, would I bring any important privilege into disrepute or contempt by the *abuse* of it. And I contend that it is as much an abuse of this privilege for the citizens of the States, and especially the non-slaveholding States, to petition the American Congress to abolish slavery in the District of Columbia, as it would be for such citizens to petition the Parliament of Great Britain, or the French Chamber of Deputies, for a like purpose; or as it would be for the citizens of Maine to petition the Legislature of Virginia to abolish slavery within the limits of that State. No man, in the possession of his wits, having the least acquaintance with the character of our Government, will assert that it would be a denial of the right of petition, for the Legislature of Virginia to reject petitions from the citizens of the State of Maine praying for the abolition of slavery. And if it would not be a denial of the right of petition in this case, how can it be a denial of that right for the Legislature of this District to reject petitions of like import from citizens of the States? Would it not be equally proper for the citizens 4 of the District of Columbia to petition the Legislature of Massachusetts to pass laws for the relief and melioration of the condition of the laborers employed in the manufactories of that State, as for the citizens of Massachusetts to petition Congress to abolish slavery in the District of Columbia? If a rejection of petitions would not be a denial of the right of petition in the one case, how could it be so in the other? For I contend, and shall show most conclusively, that the citizens of the District of Columbia have the same right to interfere in the internal police of Massachusetts, that the citizens of Massachusetts have to interfere in the internal police of the District of Columbia.

It will be perceived by the House, from what I have stated, that I regard Congress as the local Legislature of this District; standing in the same relation, in one respect, to the citizens of the District, as do the State Legislatures to the citizens of the States. Entertaining this opinion, then, I contend that the rejection by Congress of petitions, coming from citizens of any of the States, praying for the abolition of slavery in the District of Columbia, is no more a denial of the right of petition than it would be for the Legislature of Maryland or of Arkansas to reject petitions coming from citizens of Vermont or Rhode Island, praying for the abolition of slavery. It will be conceded by all—at least by all professing the Democratic faith—that " *every free citizen must be represented;* " and that the *power of the representative is derived from the will of the represented.* This elementary principle of the American constitution forms the basis of all legislation. This being so, it follows, that the free citizens of this District "must be represented." Previous to the cession of the "ten miles square," by the States of Maryland and Virginia, the citizens of these States residing within the present limits of this District were represented by the respective Legislatures of these States. And as neither Virginia nor Maryland had the power so far to disfranchise their citizens as to deprive them of " *the right to be represented,* " that right, of course, remains unimpaired. The States making the "cession" could delegate no power to Congress which they themselves did not possess: consequently, Congress can exercise no power by virtue of the "acts of cession," which it would not have been competent for those States to have exercised. The citizens of the District of Columbia, therefore, like all other free citizens, are entitled to be represented. And as they are not represented by the States which made the "cession," they must, necessarily, be represented by Congress, to whom the "cession" was made. But what must be regarded as decisive on this point, is the fact that Congress may *tax* the citizens of the District of Columbia, just as a State Legislature may tax the citizens of a State. Sir, the character and genius of our free government preclude, repudiate, and abhor the idea of *taxation* without *representation.* Sir, the 5 Congress of the United States are the representatives of the citizens of the District of Columbia. Congress, as a legislative body, exercise two species of legislative power over this District; the one Federal, the other municipal. The first, limited

as to its *objects,* but co-extensive with the Union. The last, unlimited as to objects, but inoperative beyond the territorial limits of this District. The relation in which Congress stands to the citizens of the District, therefore, is two fold. First, as the representatives of the whole Union; and second, as the local Legislature of the District. In the latter capacity, Congress stand precisely in the same relation to the citizens of the District, as the State Legislatures do to the citizens of the States;—and, consequently, are as much bound, in all their acts *affecting merely this District,* to obey the will of the people residing within the limits of the District, as are State Legislatures to obey the will of the citizens of the States. Without the consent of the people of the District, therefore, Congress have no right to abolish slavery within its limits. Congress, as the Federal Legislature, acting in their federative capacity, have no more right to abolish slavery in the District of Columbia than they have to abolish slavery in the State of South Carolina. If Congress possess the power at all, they can only exercise it as the local Legislature of the District, and in pursuance of the will of the citizens residing within the limits of the District. To affirm the contrary, to assert that the municipal institutions, the domestic or local rights and interests of the citizens of the District of Columbia are subject to the arbitrary will and control of the citizens of remote, distinct, and independent States or communities, or, which is in effect the same, of Congress, is to assert that the people of the District do not possess the right of self-government, and that the power of Congress over them and theirs is plenary and absolute. Who will avow this openly? Who will say, in direct terms, that Congress, or the citizens of remote States, through their immediate Representatives in Congress, may rightfully and constitutionally interfere with and control the whole internal police of the District, in defiance of the wishes and regardless of the remonstrances of its citizens? Who, I ask, will openly confess himself the advocate of doctrines and principles so alien to the character and genius of our Government, so fraught with tyranny and despotism, and so utterly repugnant to the great principle upon which our institutions are founded —the right of the people to be represented, or, in other words, the right of the people to self government? Let him who would strike at the rights of a community remember that the blow would be equally dangerous to *liberty* as if aimed at the *rights of individuals.* I

shall be told, of course, that by the 16th article of the 8th section of the constitution of the United States, Congress have “exclusive jurisdiction over the ten miles square.” Well, sir, how are we to understand this exclusive legislative power? Why, sir, in 6 the first place, it was evidently the intention of the framers of the constitution to exclude from the territory embracing the seat of the Federal Legislature the jurisdiction of the States, which should cede such territory, as well as all other State authority. And, in the second place, that Congress, as the local Legislature of such District, should assume the jurisdiction and exercise the legislative powers surrendered up by the States which made the “cession;” and Congress, in pursuance of this right of “exclusive jurisdiction,” exercise the same legislative functions over the District of Columbia, when acting in their local capacity, that the State Legislatures do over the States. When Congress, therefore, act in pursuance of their exclusive legislative power over the “ten miles square,” they abandon their national functions, and assume the functions of a local or State Legislature; and all the laws passed by Congress when acting in this local capacity are limited in their operation to the territory comprising the “ten miles square;” just as the laws enacted by a State Legislature, are inoperative beyond the limits of such State. In other words, laws passed by Congress in their local legislative capacity, are no more obligatory beyond the bounds of this District, than are laws passed by the Legislature of Maryland, for example, binding beyond the limits of Maryland. In this opinion I am fully sustained by a decision of the Supreme Court of the United States. The court decided that the tickets in a lottery authorized by a law of Congress within the District of Columbia, could not be vended in the State of Virginia, in contravention of the laws of that State. (Cohens *versus* Virginia.)

The general or national powers which Congress exercises *over,* and which are binding *upon,* the States, were delegated *by* the States; and the powers of “exclusive legislation,” which Congress exercises over the District of Columbia, and which are effective only *within* the District, were derived from the States of Maryland and Virginia, by virtue of certain acts in which they ceded to Congress this District. Had Congress been invested with no other power than that of *exclusive legislation* over the “ten miles square,” could

there be any question with regard to the extent of their power? Or would it have been alleged in that case that all laws passed by Congress were essentially national in their character, and operative without, as well as within, the limits of the District? I presume not, sir; because the power of *exclusive legislation* which Congress exercise over the District of Columbia can be of no *greater extent* than if such power had been the *only one conferred.* Congress cannot exercise exclusive legislative power over the States, because of the reservation of power to the States, or to the people thereof. Even over the “ten miles square” the power of Congress is limited by the acts of “cession.” With what propriety, then, can it be contended that because a law is passed by Congress it is, therefore, a law of the United States, and of universal obligation? 7 No, sir; whenever Congress legislate in virtue of their local and exclusive jurisdiction over the District of Columbia, they act as a local or municipal Legislature, and the acts passed by them, in that capacity, are limited in their operation to the territory of the District. A law of Congress to have the effect of a law of the United States, must be passed in execution of some of the federal powers, or, in other words, in pursuance of delegated power. But all laws of Congress passed in virtue of the power to exercise exclusive legislation over the District of Columbia, are local or municipal in their character, and cannot operate extra-territorially, or beyond the limits of the District. True, there are certain laws passed by Congress which have a local reference to this District, and which proceed from the delegated powers with which Congress are invested. Acts appropriating moneys for the erection of public buildings, &c., are of this description. These acts, although local in their immediate operation, have reference to national objects, are passed in virtue of the general legislative powers, and are general or national in their character.

Congress can exercise no power by virtue of the 16th article of the 8th section of the constitution over the District of Columbia, that it would not have been competent for Maryland and Virginia to have exercised prior to making the cession. The “exclusive powers of legislation,” therefore, possessed by Congress over the “ten miles square,” are of the kind which were never delegated to the General Government, but reserved to the

States. To say that the power of exclusive legislation conferred upon Congress by the 16th article of the 8th section of the constitution, embraced any of the general powers contained in any of the fifteen preceding articles of the 8th section, would be to charge the framers of the constitution with granting a repetition of powers by distinct articles. This is not to be presumed. Neither is it to be presumed that the framers of the constitution, conferred upon Congress Federal powers concurrent with existing State powers. No, sir; the framers of the American constitution, as wise and patriotic men, conferred no powers upon Congress that were calculated to beget strife and contention, and instead of promoting, mar the harmony which ever ought to subsist between the National and State Governments. And equally wise and cautious were they in combining the federal and local or State powers in such manner as that Congress, in discharging the double functions of a Federal and State Legislature, should not confound, nor produce a collision between these powers or functions. Thus Congress, I repeat, as the General or Federal Legislature, exercise the general powers delegated by the States; and as a local or State Legislature, exercise, from time to time, the reserved and undelegated powers pertaining to the States. In the farmer capacity, Congress may declare war, or make peace, " money and regulate the value thereof," &c., but cannot legislate with regard 8 to the local wants and interests of this District. But in the latter capacity, Congress may incorporate companies, build bridges, open streets— in a word, supply the wants and meet the exigencies of the District, precisely in the same manner that a State Legislature may do with regard to a State. And the laws passed by Congress in this *State* or *local* capacity, are necessarily limited in their operation to the District of Columbia, precisely as a State law is confined in its operation to the State limits. If the laws passed by Congress in their local legislative capacity had the effect of United States laws, the banks of this District would be United States banks, and the insurance companies United States insurance companies.

The District of Columbia is, in all respects, whether as a sovereignty or as a community, as much independent of the Federal Legislature, when acting in their federal capacity, as are Georgia and North Carolina, or as those States are of each other. The Federal

Legislature, therefore, *as such,* possess no more power over the subject of slavery within the limits of this District, than they do over that subject within the limits of those States. Consequently, Congress are no more bound to receive petitions from the citizens of the States praying for the abolition of slavery in the District of Columbia, than the Legislature of a sovereign and independent State would be bound to receive petitions from the citizens of another sovereign and independent State; or, than the Legislature of a State would be bound to receive petitions from the citizens of the District of Columbia, touching the domestic interests and internal police of such State. Hence the popular fallacy with regard to the right of petition. The question is not as to the *right* of petition, but as to the *destination* or *direction* which petitions should take. Admitting that the citizens of a State have a *right* to petition their Legislature, touching any subject of grievance, over which the Legislature may have jurisdiction; and that the citizens of the United States have also a *right* to petition the Federal Legislature on all subjects of a federal character, does it follow, therefore, that the citizens of one State have a right to petition the Legislature of another State, concerning its domestic institutions and internal police? Or, that citizens of the United States have a right to petition the Federal Legislature on a subject that is not federal, but strictly *local* in its character, and with which the petitioners have no right to intermeddle? Certainly not. And as the citizens of Vermont or Connecticut, for example, have no more right to interfere with the domestic institutions of the District of Columbia than they have with the domestic institutions of the State of Maryland or of Virginia—which is just none at all—they might, with the same propriety, petition the Legislatures of those States to abolish slavery within their limits, as to petition the local Legislature of this District to abolish slavery within *its* limits. And as it would not, and could not, be considered a denial of the 9 right of petition on the part of the Legislature of either of these States to reject such petitions, so neither could it be regarded as a denial of such right for Congress, the local Legislature of the District of Columbia, (and it has been already shown that it is only in this local capacity that Congress can have jurisdiction over the subject at all,) to reject similar petitions from citizens of those or any other States. It matters not, therefore, whether Congress have the power to abolish slavery within the District of Columbia or

not, as Congress is not bound, in either case, to receive petitions from the citizens of the States touching the subject of slavery within this District—such citizens having no right to interfere with this, or any other subject of internal police within the District. What, sir; could it be regarded as a denial of the *legitimate exercise of the right of petition* on the part of Congress, to reject petitions from citizens of the States praying Congress to narrow or widen the streets in this city, or in the city of Georgetown, or of Alexandria, or to repeal the charters of the incorporated companies within this District, or otherwise to change, alter, or in any way to affect the municipal institutions or internal police of the District? No man, I apprehend, will so allege. And why not? For the reason, sir, that the petitioners would have no right or authority to intermeddle with the local rights and interests of an independent community—a community as absolutely independent of the petitioners, in all the respects just mentioned, as are the municipalities of France? And as the institution of slavery in the District of Columbia, as well as in the slave States, is, in all respects, and to all intents and purposes, local in its character, Congress are no more bound to entertain petitions from citizens of the States, asking for its abolition, than if such petitions related to the municipal institutions of a foreign country. If Congress would not be bound to receive petitions in the one case, they would not in the other. And, consequently, if it would not be a denial of the right of petition to reject, in the one case, it would not be so in the other. I repeat, then, that whether Congress have the power to abolish slavery within the District of Columbia, or not, it cannot be regarded as a denial of the right of petition for Congress to reject petitions from citizens of the States, praying for the exercise of such right, no more than it would be for them to reject petitions from the subjects of a foreign power, asking for similar action. Were the institution of slavery, in the District of Columbia, general and national in its character, instead of being, as it is, strictly and essentially local and municipal, then would the citizens of the States, I grant, be authorized to petition the National Legislature concerning it; and the National Legislature, recognising the right of petition, would be bound to receive such petitions, if couched in respectful language. But under our existing form of government, and under existing circumstances, Congress are not bound, and in truth have no legitimate 10 right, to entertain petitions from individuals

residing without the limits of this District, touching the abolition of slavery, or any other subject of a local and municipal character, affecting, merely, the citizens residing within the District.

Such being my views, then, I can but regard those petitioners—residents of the States—praying Congress to abolish slavery in the District of Columbia, as guilty of an impertinent and unwarrantable interference with the rights, privileges, and interests of a free and independent community. And so long, sir, as I entertain my present opinions, I shall feel constrained to reprobate any action on the part of Congress which may be calculated to give countenance and encouragement to such mischievous and audacious interference. Sir, by receiving these petitions, we tacitly yield our assent to acts of aggression on the rights of those whom it is our peculiar duty and province to defend and protect.

Let Congress promply reject all petitions, emanating from citizens of the States, praying for the abolition of slavery in the District of Columbia, and tiffs corroding and wide-spreading evil will be speedily arrested. The halls of Congress, sir, have been converted into abolition laboratories, where this accumulating mischief is compounded and refined, where it receives its point and potency, and whence it is fulminated upon the country.

But again, sir, Congress have no constitutional authority to abolish slavery in the District of Columbia, without the consent of the slave owners. The constitution declares that “no person shall be deprived of his property without due process of law; and that private property shall not be taken for public use without compensation.” An attempt to render this language of the constitution more explicit or more emphatic by any comments of mine, could but be regarded as a reflection upon the intelligence of this House. If Congress cannot constitutionally take private property, except it be for public use, and only then by making compensation to the owners thereof, and this is the only true and legitimate construction, by what authority can they wrest from citizens of this District their private property? Such acts unquestionably would be without the shadow of constitutional warrant. The advocates of abolitionism, therefore, in order to surmount this constitutional

impediment to their schemes, must show, in the first place, that the citizens of the District Of Columbia constitute no part of the citizens of the United States; and, in the second place, that slave property is not private property. Whenever they shall successfully do this, I will admit that the American constitution affords no guarantee against the violation of the rights of property, and that Congress may, constitutionally, abolish slavery in the District of Columbia, without the consent of the slavs owners; but not till then.

If the citizens of this District may have one species of property wrested 11 item them by the high hand of power, what security have they that their property of whatsoever kind will not share a similar fate? But, sir, this supposition cannot be tolerated for a moment. The doctrine strikes at the very root of all free government, and is, to all intents and purposes, subversive of the social compact. In the language of the Supreme Court: “There are acts which the *Federal or State Legislatures cannot do,* without exceeding their authority. There are certain vital principles in our free Republican Government, which will determine and overrule an apparent and flagrant abuse of legislative power; as to authorize manifest injustice by positive law, or to take away that security for personal liberty or private property, for the protection whereof the Government was established. An act of the Legislature, contrary to the *great first principles of the social compact, cannot be considered a rightful exercise of legislative authority.* The obligation of a law, in governments established on express compact, and on republican principles, must be determined by the nature of the power on which it is founded. A few instances will suffice to explain. A law that punished a citizen for an innocent action, or that was in violation of an existing law; a law that destroys or impairs the obligation of the lawful private contracts of citizens; a law that makes a man a judge in his own case; or a law that takes property from A, and gives it to B. It is against all reason and justice for a people to intrust a Legislature with such powers, and therefore it cannot be presumed that they have done it. The Legislature may enjoin or permit, forbid or punish; they may declare new crimes, and establish rules of conduct for future cases; but they cannot change innocence into guilt, or punish innocence as a crime, or violate the rights of an antecedent lawful

private contract, or the rights of private property. To maintain that our *Federal* or State *Legislatures* possess such powers, even if they had not been expressly restrained, *would be a political heresy, altogether inadmissible in our free Republican Government.* " The principles here affirmed by the Supreme Court are unquestionably sound, and they apply as well to the citizens of this District, as to those of the States. Congress, therefore, can do no act affecting the rights of property in this District, that they are prohibited to do in the States. With what propriety, then, can it be contended that Congress are bound to receive petitions on a subject upon which they have no constitutional right to act? Suppose individuals should petition Congress to pass a "law respecting an establishment of religion, or prohibiting the free exercise thereof," or, to "abridge the freedom of speech, or of the press," would it, or could it be regarded as a denial of the right of petition for Congress to reject such petitions? No sane man will so aver; because the petitioned would in effect, require Congress to violate the constitution. And would it not be equally a violation of the constitution for Congress to 12 pass an act depriving individuals of their property without "due process of law?" or to take "private property" without "just compensation?" Most unquestionably it would. Let us consider, then, for a moment, the nature of the demand made upon us by the abolitionists. And let us see whether that demand be in accordance with their sturdy pretensions to *piety* and *patriotism* or not. They petition, besiege, and implore us to do what? Why, sir, to repudiate the principles of the Federal compact—to violate the national faith—to violate the rights of private property—to trample upon the constitution, which we have sworn to support, and consequently to pollute and blacken our souls with the terrific crime of *perjury!* Yes, sir all this do the abolitionists require at our hands, when they ask us to abolish slavery—" *as a great moral evil* "—in the District of Columbia.

But this is not all. The abolitionists design to effect the abolition of slavery in the States, also: and it is worse than idle—it is dishonest and insolently hypocritical in them to pretend that their schemes and efforts are limited to the District of Columbia and the Territories. Every body knows, and many of the abolitionists themselves confess, that such is not

the fact. It is as much their intention to accomplish the abolition of slavery in the States, as in the Territories, or in this District. Such being the case, then, let us examine, for a moment, the nature and tendency of the abolition movement. It will be acknowledged by all, that, prior to the organization of the Federal Government, the States were, in all respects, and to all intents and purposes, sovereign and independent States or nations, and, as such, no one State of course could interfere with the rights or internal police of another State, without a violation of international law. An attempt, therefore, on the part of Massachusetts, for instance, to abolish slavery in Georgia, would have been truly and properly regarded by Georgia as an aggression upon her national rights, an assault upon her State sovereignty, and as a virtual denial of her independency as a State or nation. What would have been true *then,* would be equally true *now.* Any interference on the part of Massachusetts with the subject of slavery in Georgia, is as clearly wrong—as much an infraction of international law—since the formation of the Federal Government, as it would have been prior to that event. The States, under the constitution, are as essentially and as absolutely sovereign—where their sovereignty is not limited by the constitution—as they were before the formation of the constitution. And as slavery exists in the States—not by virtue of the constitution, but by virtue of *State sovereignty alone* —it necessarily follows that it is without and beyond the power of the Federal Government to abolish it. Congress have no more right to interfere with the institution of slavery in the States than they have to interfere with the internal institutions of a foreign power. The power to abolish slavery in the States never having been delegated *to* Congress cannot be exercised *by* 13 Congress without a violation of the Federal constitution. On the subject of slavery, the States are not only independent of each other, but also of the General Government. The States having reserved to themselves all the rights of sovereignty—not directly and explicitly conceded to the Federal Government—they are just as free to exercise those reserved rights as if such Government had never been established. This proposition I hold to be self-evident. The right to hold slaves not having been ceded to the General Government, but retained by the States, it follows, that an attempt on the part of the citizens of the non-slaveholding States, or of Congress, to interfere with the institution of slavery in any of the slaveholding States,

would be a violation of the rights of sovereign and independent States or nations, and, of consequence, in direct and positive contravention of international law.

The abolitionists, by warring against the rights and sovereignty of the States, encourage a violation of the national faith, sanction the infraction of law, and endanger the stability and integrity of the Federal Union. “In taking this ground (to adopt the language of one of the most original thinkers and energetic writers of the age*) they—the abolitionists—set the law at defiance, and are either a mob or a band of insurrectionists. In taking this ground they justify all the lawless violence against which they have so vehemently declaimed. If one class of the community may set the laws at defiance, why may not another? If the abolitionists may set at nought the international law, which gives the slave-holding States the exclusive jurisdiction of the slave question, why may not other citizens say they have a right, by mob law, to prevent them, if they can, from doing it? It were not difficult to convict the abolitionists of preaching the very doctrines the mobocrats attempt to reduce to practice. They ought not, therefore, to think it strange that they have been but in too many instances the victims of lawless violence. When a portion of the community, take it into their heads that they are wiser than the law, and commence the performance of acts in contravention of law, they ought to be aware that they open the door to every species of lawless violence, unchain the tiger, and must be answerable for the consequences.”

* O. A. Brownson, editor of the Boston Quarterly Review.

What must be the certain and inevitable tendency of the abolition movement, and what its moral and political results, if its progress shall be onward and its march be throughout the Union? The consequences, alas must be but too apparent and appalling to all reflecting men—to all who prize the Union—all who love America. The efforts of the abolitionists, whether triumphant or not, cannot fail to rock the battlements, if not rive the foundations of the Republic. In the name of liberty, they seek to overthrow her last fortress,—the American constitution. In the name of patriotism, 14 they strive to revolutionize and uproot the very foundations of our Federal system. And in the name of humanity, they would tear

down the prop and pillar of the last fond hope of human kind—the *sovereignty of these United States!* Such is the political character and tendency of the abolition movement. But this is not all. Where are fearful *moral evils* involved in the designs of the abolitionists—the violation of law and of plighted faith. Nay more—allied to abolitionism is blind, reckless, feverish fanaticism. The wild, enthusiastic, and impetuous spirit which kindled the fires of Smithfield, and strewed the plains of Palestine with the corses of the Crusaders, stands—with lighted and uplifted torch—hard by the side of abolitionism, ready to spread conflagration and death around the land.

But to return to the subject of slavery, and of the right of petition, as relates to the District. The question will be asked, no doubt, if the citizens of the States have no legitimate right to petition Congress on the subject of slavery in the District of Columbia, and if Congress are not bound to receive such petitions, why it is that so many thousands have signed petitions of this character? The reason is obvious, sir. The prime movers in abolition proceedings, and the great body of the intelligent signers to abolition petitions, belong to the Federal school in politics. They are consolidationists, and repudiate the doctrine of State rights. They regard the powers of the Federal Government as omnipotent. Hence they believe the Federal Legislature not only have the power to abolish slavery in the District of Columbia, but also in the States. The Federal or National Bank party can believe nothing short of this. Sir, this whole abolition movement had its origin in a Federal . Abolitionism is the veritable offspring of Federalism. It looks to centralization for the realization of its hopes, and the consummation of its purposes. Withdraw from abolitionism the sustaining arm of its parent Federalism, and it inevitably becomes helpless, and in despair falls prostrate in the dust. In confirmation of what I have just stated, I would appeal to facts—notorious, undeniable, incontrovertible facts. I would appeal to the known and acknowledged principles of the Federal party. I would appeal to the journals of Congress—to the recorded votes of the members of this House on all test questions touching the subject of abolition. I would appeal to the history of the recent elections, and especially to the election in the State of New York, where it is well known every abolitionist and free

negro voted the Federal or Whig ticket. Nay, more. I would appeal to the ten thousand abolition petitions with which this hall has been flooded for the last four years. I will hazard the declaration, and I challenge and defy successful contradiction, that among the hundred thousand individuals that have signed petitions, praying for the abolition of slavery in the District of Columbia, there are not one 15 hundred who are known to be friendly to the present administration. Who will, who can, who *dare* deny the truth of this assertion?

If the Federal Legislature have power under the constitution to “abridge the freedom of speech, or of the press,” as has not only been contended for, but the exercise of such power actually sanctioned by the Federal party in the time of the elder Adams, and it they may charter a national bank, as is also contended, and delegate to such bank or corporation the power of legislation, in the grant of crafting, at pleasure, other banks, and other directors, within any of the States or Territories of this Union, in defiance of the wishes, and in contravention of the laws of such States or Territories,* why, I would ask, should they not also claim the power to abolish slavery, not only in the District of Columbia, but also in the States? To contend that Congress have the constitutional power to do the first named acts, and *not* the latter, would be sheer and gratuitous nonsense. I repeat, therefore, that the only hope of the abolitionists is in the ultimata triumph of the Federal party, and of Federal principle. So long as the Democratic or States Rights party shall maintain the ascendancy, the efforts of the abolitionists will be comparatively innocuous. But whenever the political power of this country shall be swayed by Federal hands, the designs of the abolitionists will well nigh have reached their consumption. Shall I be told that the Federalists are not all abolitionists! This may be partially true. But then, are not all abolitionists *necessarily* Federalists? How can they exact to accomdlish their object—the general abolition of slavery—but through the Federal power, and in pursuance of Federal principles? Certainly they cannot be so grossly ignorant as to suppose that the Democratic State Rights doctrine of strict constriction would be favorable to their views, or that it would be possible to achieve their object through the influence of Democratic principles, or by virtue of Democratic legislation. But again: if the Federalists

are not *now* all abolitionists, the time will soon come when they must become so *as a party,* or otherwise fall into a contemptible and hopeless minority. Which will they do? Will they repudiate abolitionism and abolitionists, and, by so doing, insure their own political destruction? Or will they maintain and strengthen the league already formed with the abolitionists, in the hope of securing and confirming their political existence and ascendancy? Which will they do, I ask? Why, sir, if we shall judge of their future course by their past conduct, it will be no difficult matter to determine what they will do. They will do, as they ever have done, sacrifice every principle of honor, of virtue, and of patriotism, if it be necessary to enable them to direct and control the political power and destinies of the republic. When, let me ask, have the Federal party ever shown by their acts that their love of country was paramount to their love of power?

* See charter of late United States Bank, section 14.

16 Never, sir, never! But this is not all. The coalition between the Federalists and abolitionists was not only to have been expected, for the reasons already stated, but from considerations of still greater pith and moment.

In all civilized communities, the two extremes of society—the affluent and the breadless, the powerful and the impotent—come together and war upon the centre—the intermediate classes. Such ever has been, and ever will be, the case. It is, in fact, a law of human society; and well do the Federal party understand the operations of this law. Hence their constant efforts to make the poor poorer, and the feeble more *impotent.* And hence it has ever been the policy, the aim and object, of New Federal aristocracy of this country, to impoverish, depreciate, and degrade the Democracy; especially that portion who, in obedience to the mandate of Heaven, “eat their bread in the sweat of their face.” To accomplish this, their purpose, the Federalists have availed themselves of every means in their power. They have stigmatised the Democracy as infidels, levellers, agrarians. They have done more. They have vitiated the elective franchise by political coercion, by bribery, and corruption. And more than all, they have defrauded the Democracy of their equal political rights by means of unequal, unjust, and exclusive legislation. And now, in order

to render the condition of the laboring classes of the north and east still more dependant and depressed, the Federal party have joined the abolitionists for the purpose of conferring upon the black laborer *nominal freedom,* and upon the white laborer *virtual bondage!* Yes, sir, for the especial purpose of humbling and degrading the Democracy, have the Federal party of the north and east joined in the abolition crusade: and whenever their object shall be at with the northern white man in the labor market; the moral and political character, the pride, power, and independence, of the latter, are gone forever, and Federalism will have realized its loudest and most cherished hopes. But let me tell you, sir, the Democracy of the north and east are not unmindful of passing events. Since abolitionism assumed a political character they have watched the movements of the Federal abolition party with deep concernment. They are conscious of the approaching danger, and are coolly and deliberately preparing to face it. Yes, sir, whenever the Democracy observe the Federal party prosecuting a political measure with zeal and vigor, as they now do abolitionism, they involuntarily, instinctively gather up their energies to meet and repel approaching mischief: and I warn them now; they cannot prepare too soon, nor with too much vigor and forecast. The crisis approaches. The fearful conflict; the mortal struggle; the tiger-strife is at hand, and God alone can tell the result.

Note.—Mr. Moore was called to order, in the course of his remarks, by Gen. Waddy Thompson, of South Carolina, and by the decision of the chair was prevented from concluding his speech. Mr. Moore before taking his seal gave notice that he would publish all that he had intended to say, precisely in the same form and manner he would have done, had no interruption taken place.

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